



UNITED STATES PATENT AND TRADEMARK OFFICE

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Office of Regulatory Policy  
HFD - 13  
5600 Fishers Lane,  
Rockville, MD 20857

Attention: Claudia Grillo

Dear Ms. Axelrad:

Transmitted herewith is a copy of the application for patent term extension of U.S. Patent No. 4,937,078. The application was filed on June 7, 2004, under 35 U.S.C. § 156.

The patent claims a product that was subject to regulatory review under the Federal Food, Drug and Cosmetic Act. Subject to final review, the subject patent is considered to be eligible for patent term restoration. Thus, a determination by your office of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 U.S.C. § 156(d)(2)(A).

Inquiries regarding this communication should be directed to the undersigned at (571)272-7744 (telephone) or (571)273-7744 (facsimile).

Karin Ferriter  
Karin Ferriter  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Paul E. Dietze  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Ave., NW  
Washington DC 20004

RE: Surpass® (diclofenac sodium)  
Docket No. 04E-0389